

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DANIEL COHEN, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

BLACKBAUD, INC., PRESIDENT AND
FELLOWS OF HARVARD COLLEGE, BANK
STREET COLLEGE OF EDUCATION, and THE
TENEMENT MUSEUM,

Defendants.

Case No. 2:20-cv-01388-JCC

**DEFENDANT PRESIDENT AND
FELLOWS OF HARVARD
COLLEGE'S OPPOSITION TO
PLAINTIFF'S MOTION TO STAY
PROCEEDINGS**

NOTE ON MOTIONS CALENDAR:
DECEMBER 18, 2020

Defendant President and Fellows of Harvard College (“Harvard”) hereby files this opposition to Plaintiff Daniel Cohen’s Motion for a Stay Pending Ruling on Consolidation and Transfer by JPML (ECF No. 43).

The Court should deny Plaintiff’s motion to stay as moot. Plaintiff’s Motion seeks a stay “pending the JPML’s ruling on a motion to transfer and consolidate this action” with others in an MDL. Motion at 1. As of today, the JPML issued a Conditional Transfer Order. *See* Ex. 1. While Harvard reserves the right to object to the Conditional Transfer Order, Plaintiff’s stay motion should be denied as moot.

DATED: December 16, 2020

MURPHY PEARSON BRADLEY & FEENEY

By: s/ Nicholas C. Larson

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CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2020, I electronically filed the foregoing DEFENDANT PRESIDENT AND FELLOWS OF HARVARD COLLEGE’S OPPOSITION TO PLAINTIFF’S MOTION TO STAY PROCEEDINGS with the Clerk of the Court by using the CM/ECF system, which will provide electronic notice and an electronic link to this document to all attorneys of record.

DATED: December 16, 2020

By: /s/ Nicholas C. Larson
Nicholas C. Larson
MURPHY PEARSON BRADLEY & FEENEY

EXHIBIT 1

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: BLACKBAUD, INC., CUSTOMER DATA
SECURITY BREACH LITIGATION**

MDL No. 2972

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO –1)

On December 15, 2020, the Panel transferred 5 civil action(s) to the United States District Court for the District of South Carolina for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* F.Supp.3d (J.P.M.L. 2020). Since that time, no additional action(s) have been transferred to the District of South Carolina. With the consent of that court, all such actions have been assigned to the Honorable J Michelle Childs.

It appears that the action(s) on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the District of South Carolina and assigned to Judge Childs.

Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the action(s) on the attached schedule are transferred under 28 U.S.C. § 1407 to the District of South Carolina for the reasons stated in the order of December 15, 2020, and, with the consent of that court, assigned to the Honorable J Michelle Childs.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of South Carolina. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7–day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



John W. Nichols
Clerk of the Panel

**IN RE: BLACKBAUD, INC., CUSTOMER DATA
SECURITY BREACH LITIGATION**

MDL No. 2972

SCHEDULE CTO-1 – TAG-ALONG ACTIONS

<u>DIST</u>	<u>DIV.</u>	<u>C.A.NO.</u>	<u>CASE CAPTION</u>
FLORIDA MIDDLE			
FLM	8	20-02738	Imhof v. Blackbaud, Inc.
ILLINOIS NORTHERN			
ILN	1	20-05775	Lofton v. Blackbaud
MASSACHUSETTS			
MA	4	20-40149	Bishop v. Blackbaud, Inc.
MINNESOTA			
MN	0	20-02275	Peterson v. Allina Health System et al
NEW YORK EASTERN			
NYE	2	20-04758	Faszczewski v. Blackbaud, Inc.
NEW YORK SOUTHERN			
NYS	7	20-08271	Silverman Bedell v. Blackbaud, Inc.
VIRGINIA EASTERN			
VAE	1	20-01230	Atwood v. Blackbaud, Inc.
WASHINGTON WESTERN			
WAW	2	20-01381	Sheth v. Blackbaud Inc
WAW	2	20-01388	Cohen v. Blackbaud Inc et al